

Initial Review
BOX AF

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MAY - 1 1997

GROUP 1500

Box AF
Response Under 37 CFR 1.116
Expedited Procedure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Be

5-2-97

In re the application of: Jim APPINO et al.

Serial No.: 08/574,689

Group Art Unit: 1502

Filed: December 19, 1995

Examiner: R. Bawa

For: DEVICE FOR DISPENSING A THERAPEUTIC OR COSMETIC SUBSTANCE, THE INERT VEHICLE OF WHICH IS A VOLATILE POLYDIORGANOSILOXANE, AND COMPOSITION INTENDED TO BE USED IN THE DEVICE

AMENDMENT UNDER 37 CFR 1.116

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants submit the present Amendment in response to the Office Action mailed January 29, 1997.

IN THE SPECIFICATION

Please change the title to read: --DEVICE FOR DISPENSING A THERAPEUTIC OR COSMETIC SUBSTANCE ONTO THE SKIN AND A METHOD OF SKIN TREATMENT--.

IN THE CLAIMS

10 (amended). A device suitable for dispensing a composition onto the skin in the form of aerosol particles, comprising a container holding the composition, a flow valve extending into said container, and a means of propulsion, wherein the composition [comprises] consists essentially of, in percentage by weight:

- 75 to 95% of hexamethyldisiloxane,
- 0.01 to 15% of a therapeutic agent or cosmetic substance,
- 0 to 10% of a thixotropic agent, and



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POLYDIORGANOSILOXANE, AND COMPOSITION INTENDED TO BE USED
IN THE DEVICE

TRANSMITTAL

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an **amendment under 37 CFR 1.116** in the
above captioned application.

 X No additional fee is required.

 Please charge Deposit Account No. 06-1358 in the
amount of \$_____. A duplicate of this sheet is
attached.

 A check in the amount of \$ is attached for: .

 X If a Petition for Extension of Time is necessary and the
Petition and/or the check is not enclosed, this will act as
the Petition and applicant herewith petitions the
Commissioner to extend the time for response and charge any
fees necessary under 37 CFR 1.17 (a)-(d) to Deposit Account
No. 06-1358. The Commissioner is also authorized to charge
payment of any other additional fees associated with this
communication or credit any overpayment to Deposit Account
No. 06-1358. A duplicate of this sheet is attached.

Respectfully submitted,

William E. Player

Reg. No. 31,409

Jacobson, Price, Holman & Stern, PLLC
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Tel.: (202) 638-6666
Atty. Dkt. No.: 5023/P58317A
April 29, 1997